

Service Date: September 6, 2000

DEPARTMENT OF PUBLIC SERVICE REGULATION  
BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MONTANA

IN THE MATTER of the Application	)	UTILITY DIVISION
of MOUNTAIN WATER COMPANY	)	
for Authority to Increase Rates and	)	DOCKET NO. D2000.7.112
Charges for Water Service to its	)	
Missoula, Montana Customers	)	ORDER NO. 6264a

**PROTECTIVE ORDER**

1. On August 28, 2000, Mountain Water Company (Mountain Water) filed a Motion for Protective Order with the Montana Public Service Commission (Commission or PSC) to govern certain information to be filed in the above-entitled proceeding. Mountain Water requests protection of information relating to (1) the salary information for the individual Mountain Water employees; (2) state and federal income tax returns filed by Mountain Water and its parent, the Park Water Company; and (3) any responses to future discovery which requires production of trade secret or private information. Mountain Water argues that the identified information is trade secret in accordance with § 30-14-402, MCA, or constitutionally protected as private.

2. The Commission determines that the identified information could be confidential and subject to protection from public disclosure pursuant to § 69-3-105, MCA , and Art. II, § 10, Montana Constitution. Therefore, the PSC grants Mountain Water's request and hereby orders that information submitted in accordance with this Order be treated as "confidential information" under the terms of this Order and PSC protective order rules, ARM 38.2.5001 through 38.2.5030. A nondisclosure agreement is attached to this order.

**ORDER**

The Commission determines that Mountain Water may be required to furnish confidential information in this docket that is subject to protection from public disclosure pursuant to § 69-3-105, MCA, and Article II, § 10 of the Montana Constitution. Therefore, the Commission grants Mountain Water 's motion for a protective order and orders that information submitted by Mountain Water in accordance with this order be treated as "confidential information" under the terms of this order and Commission protective order rules, ARM 38.2.5001 – 5030. Parties other than Mountain who need to have information protected should comply with ARM 38.2.5010.

DONE AND DATED this 5th day of September, 2000, by a vote of 5 to 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

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DAVE FISHER, Chair

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NANCY MCCAFFREE, Vice Chair

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BOB ANDERSON, Commissioner

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GARY FELAND, Commissioner

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BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson  
Commission Secretary

(SEAL)

NOTE:       Reconsideration of this order is not allowed. ARM 38.2.5008(2); ARM 38.2.4806(7). A challenge to this order may be made pursuant to ARM 38.2.5008(3).

**Nondisclosure Agreement**

ARM 38.2.5012

Docket No. D2000.7.112, Order No. 6264a  
Order Action Date September 5, 2000

I understand that in my capacity as counsel or expert witness for a party to this proceeding before the commission, or as a person otherwise lawfully so entitled, I may be called upon to access, review, and analyze information which is protected as confidential information. I have reviewed ARM 38.2.5001 through 38.2.5030 (commission rules applicable to protection of confidential information) and protective orders governing the protected information that I am entitled to receive. I fully understand, and agree to comply with and be bound by, the terms and conditions thereof. I will neither use nor disclose confidential information except for lawful purposes in accordance with the governing protective order and ARM 38.2.5001 through 38.2.5030 so long as such information remains protected.

I understand that this nondisclosure agreement may be copied and distributed to any person having an interest in it and that it may be retained at the offices of the provider, commission, consumer counsel, any party and may be further and freely distributed.

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Typed or Printed Name

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Signature

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Date of Signature

Business Address:

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Employer

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Party Represented